

**FEB 07 2008**

PTO/GB/97 (09-04)

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**FAX TRANSMISSION****DATE:** February 7, 2008**PTO IDENTIFIER:** Application Number 10/530,038-Conf. #2908  
Patent Number**Inventor:** Douglas W. Losordo**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** EDWARDS ANGELL PALMER & DODGE LLP

Kathryn A. Piffat, Ph.D., Esq.

**PHONE:** (617) 239-0100**Attorney Dkt. #:** 57987(71417)**PAGES (Including Cover Sheet):** 5**CONTENTS:** Supplemental Response to Election of Species Requirement (3 pages)  
Certificate of Transmission (1 page)

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Application No. (if known): 10/530,038

Attorney Docket No.: 57987(71417)

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Supplemental Response to Election of Species Requirement (3 pages)

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Dated: February 7, 2008

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(Alma J. Wadberry)

Docket No.: 57987(71417)  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Douglas W. Losordo

Application No.: 10/530,038

Confirmation No.: 2908

Filed: April 1, 2005

Art Unit: 1614

For: INHIBITION OF Src FOR TREATMENT OF  
REPERFUSION INJURY RELATED TO  
REVASCULARIZATION

Examiner: Rae, Charlesworth E.

SUPPLEMENTAL RESPONSE TO ELECTION OF SPECIES REQUIREMENTMS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement, the Examiner required election among the following Species:

- 1) a single disclosed chemically defined inhibitor of vascular endothelial growth factor-mediated vascular permeability; and
- 2) a single specific route of administration e.g. 2a) intravenous infusion; or 2b) intraarterial, or 2c) intracoronary method; or 2d) percutaneous administration; and
- 3) a single specific ischemic type e.g. 3a) myocardial infarction, or 3b) stroke, or 3c) compartment syndrome, or 3d) post-pump syndrome; or 3e) angina; and
- 4a) inhibitor of vascular endothelial growth factor-mediated vascular permeability is administered as part of the cardioplegia solution; or

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4b) inhibitor of vascular endothelial growth factor-mediated vascular permeability is not administered as part of the cardioplegia solution.

In the Response filed January 8, 2008, Applicant elected Species 3A ("a single specific ischemic type e.g. 3a) myocardial infarction"), with traverse.

Subsequently, the Examiner informed Applicant that it would be necessary to select one species from each category.

Applicant hereby elects as follows:

1) SKI-606 (as a single disclosed chemically defined inhibitor of vascular endothelial growth factor-mediated vascular permeability);

2) Intravenous infusion ("2a" - as a single specific route of administration);

3) Myocardial infarction ("3a" - previously elected as a single specific ischemic type); and

4b) inhibitor of vascular endothelial growth factor-mediated vascular permeability is not administered as part of the cardioplegia solution.

Applicant requests reconsideration accordingly.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

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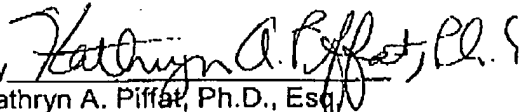
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It is believed that no extension of time is required. If any extension of time is required, the Examiner is authorized to treat this as a conditional petition for an extension of time. Although it is not believed that any additional fee (in addition to the fee concurrently submitted) is required to consider this submission, the Commissioner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Dated: February 7, 2008

Respectfully submitted,

By   
Kathryn A. Piffat, Ph.D., Esq.

Registration No.: 34,901

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